



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	10-21-14	AGENDA REQUEST NO:	IX-A
INITIATED BY:	DOUG BRINKLEY CHIEF OF POLICE	RESPONSIBLE DEPARTMENT:	POLICE
PRESENTED BY:	DOUG BRINKLEY CHIEF OF POLICE	DIRECTOR:	DOUG BRINKLEY <i>DB</i> CHIEF OF POLICE
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	RESOLUTION 14-21 AND INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUGAR LAND AND THE TEXAS DEPARTMENT OF MOTOR VEHICLES TO CONDUCT REGISTRATION HOLDS ON OUTSTANDING RED LIGHT CAMERA VIOLATIONS AND MUNICIPAL COURT TRAFFIC WARRANTS		
EXHIBITS:	RESOLUTION 14-21		
CLEARANCES		APPROVAL	
LEGAL:	EUGENIA CANO FIRST ASSISTANT CITY ATTORNEY <i>EAC</i>	ASSISTANT CITY MANAGER:	STEVE GRIFFITH <i>SMG</i>
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>SMG</i> /FOR AB
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approval of Resolution 14-21 and Interlocal Agreement between the City of Sugar Land and the Texas Department of Motor Vehicles to withhold vehicle registrations on outstanding red light camera violations and municipal court traffic warrants.			

EXECUTIVE SUMMARY

Section 707.017 of the Texas Transportation Code states that if the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed under Chapter 707, the Texas Department of Motor Vehicles may refuse to register a motor vehicle.

The red light camera program was established in November of 2007. Since that time, the City has accumulated approximately three million dollars in outstanding fines. The police department met with both the Finance/Audit Committee and the Intergovernmental Relations Committee and concur that many citizens do not own their vehicles longer than three years. It is recommended that the City initiate the registration hold process by going back three years to collect on unpaid fines. The Finance Committee and Intergovernmental Relations Committee approved the recommendation of conducting a ninety day amnesty program. The amnesty program will allow a period to resolve any outstanding violation prior to a registration hold being placed on a vehicle.

Year	Outstanding Violations	Outstanding Balance
2012	3,172	\$317,200
2013	9,278	\$927,800
2014	8,043	\$804,300
Total:	20,493	\$2,049,300

Section 702.003 of the Texas Transportation Code states that the Texas Department of Motor Vehicles may refuse to register a motor vehicle if it receives, under a contract, information from a city that the owner of a motor vehicle has an outstanding warrant from the city for failure to appear or for failure to pay a fine involving a traffic violation.

The City of Sugar Land's Municipal Court has approximately 11,464 outstanding warrants. In order for a registration hold to be placed on a traffic warrant, it is required by the Texas Department of Motor Vehicles, that the scofflaw (*a vehicle owner who has an outstanding warrant from a municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law*) warning be included on traffic citations. Traffic citations currently being used do not reflect the scofflaw verbiage; therefore, warrants on file are excluded from a registration hold. The police department is in the process of updating traffic citations to include the scofflaw warning. Upon the release of the new citations, should a warrant be issued due to an unpaid traffic violation or failure to appear, the violation can result in a registration hold being placed on the registered owner's vehicle.

Staff recommends approval of Resolution 14-21 approving the interlocal agreement between the City of Sugar Land and the Texas Department of Motor Vehicles to withhold vehicle registration on individuals with outstanding red light camera violations and/or municipal court traffic warrants.

EXHIBITS

RESOLUTION NO. 14-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AUTHORIZING PARTICIPATION IN THE TEXAS VEHICLE REGISTRATION DENIAL (SCOFFLAW) PROGRAM UNDER CHAPTER 702 OF THE TEXAS TRANSPORTATION CODE REGARDING A VEHICLE OWNER'S FAILURE TO PAY TRAFFIC-RELATED FINES IN MUNICIPAL COURT AND UNDER CHAPTER 707 OF THE TRANSPORTATION CODE REGARDING A VEHICLE OWNER'S FAILURE TO PAY CIVIL PENALTIES PERTAINING TO THE CITY'S PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM; APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE TEXAS DEPARTMENT OF MOTOR VEHICLES FOR SCOFFLAW SERVICES; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, under Section 702.003, Tex. Transp. Code, the Texas Department of Motor Vehicles (TxDMV) may refuse to register a motor vehicle if it receives, under a contract, information from a city that the owner of a motor vehicle has an outstanding warrant from the city for failure to appear or for failure to pay a fine involving a traffic violation; and

WHEREAS, under Section 707.017, Tex. Transp. Code, if the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed under Chapter 707, Tex. Transp. Code, the TxDMV may refuse to register a motor vehicle alleged to have been involved in the violation; and

WHEREAS, pursuant to Chapter 707, Tex. Transp. Code, the City has enacted Chapter 5, Article V of the Code of Ordinances to implement a photographic traffic signal enforcement system and provide for civil penalties for violations thereunder; and

WHEREAS, the City desires to participate in the Texas Vehicle Registration Denial Program (Scofflaw Program) administered by the TxDMV under Chapter 702, Tex. Transp. Code, regarding a vehicle owner's failure to pay a traffic-related fine in municipal court and under Chapter 707, Tex. Transp. Code, regarding a vehicle owner's failure to pay a civil penalty pertaining to the City's photographic traffic signal enforcement system; and

WHEREAS, City desire to enter into an interlocal agreement with the TxDMV regarding scofflaw services; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the facts and recitations set forth in this Resolution are declared true and correct.

Section 2. That the City Council authorizes participation in the Texas Department of Motor Vehicles Texas Vehicle Registration Denial Program (Scofflaw Program) under Chapter 702 of the Texas Transportation Code regarding a vehicle owner's failure to pay traffic-related

finer in municipal court and under Chapter 707 of the Texas Transportation Code regarding a vehicle owner's failure to pay civil penalties pertaining to the City's photographic traffic signal enforcement system codified in Chapter 5, Article V of the City's Code of Ordinances.

Section 3. That the City Council approves the Interlocal Agreement between the City and the Texas Department of Motor Vehicles (TxDMV) attached as Exhibit A and incorporated herein (Interlocal Agreement).

Section 4. That the City Manager or his designee may sign documents necessary to participate in the Scofflaw Program. Additionally, the City Manager may designate:

- (a) One or more City employees to submit files to the TxDMV under the Scofflaw Program authorized by this Resolution; and
- (b) The City's contractor(s) associated with the photographic traffic signal enforcement program to submit files to the TxDMV under the Scofflaw Program related to Chapter 707, Tex. Transp. Code authorized by this Resolution.

APPROVED on _____, 2014.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

COUNTY OF TRAVIS §

THIS CONTRACT is entered into by the Contracting Parties under Government Code, Chapter 791.

The Texas Department of Motor Vehicles (TxDMV)
(Local Government)

III. STATEMENT OF SERVICES TO BE PERFORMED: TxDMV will undertake and carry out services described in **Attachment A, Scope of Services.**

V. TERM OF CONTRACT: This contract begins when fully executed by both parties and terminates five years from the date this contract is executed by the state, or when otherwise terminated as provided in **Attachment C**, Article 5 of this Agreement.

THE PARTIES certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties.

The governing body, by resolution or ordinance, dated _____, has authorized the Local Government to obtain the services described in **Attachment A**.

_____ (Name of Local Government)

Title _____

Executed for the Executive Director and approved by the Texas Department of Motor Vehicles Board for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Department of Motor Vehicles Board.

Revised 08/15/2011

ATTACHMENT A
Scope of Services

TxDMV will:

1. On initial probes (inquiries) of data submissions received from the local government, generate an output file containing matching license plates. If no vehicle record is found, such factual information will be indicated on the output file together with the input data. Input and output files will be returned to the Local Government after completion of the computer run.

Place "flags" on vehicle records based on data submissions received from Local Government containing "flag" request codes.

2. Remove "flags" from vehicle records based on data submissions received from Local Government containing "clear" request codes.

Local Government shall:

1. Provide data submissions to TxDMV in accordance with TxDMV specifications for computer run of initial probes (inquiry), flags (marking) of vehicle records and clears (removal) of flags. Due to changing technology, these specifications will be distributed by TxDMV to the local governments on September 1st of every year.
2. Submit an application to establish the method of payment (see Attachment F), and establish an account prior to submitting inquiries.

ATTACHMENT B

Budget

Fees for file submission and transactions shall be submitted to TxDMV in accordance with 43 TAC Chapter 217.

Payments shall be submitted to the following address:

Texas Department of Motor Vehicles
Administrative Services Division
PO Box 5020
Austin, TX 78763-5020

- A. If the Local Government chooses to establish a "Pay On Demand" account, the applicable payment of fees must be made each time a request to probe (search/inquiry), place or remove "flags" from motor vehicle records is submitted to TxDMV. An account will be opened to hold the \$500.00 (or greater) initial deposit.
- B. As an alternative, if the Local Government chooses to establish a non-interest bearing escrow "Prepaid Account" with TxDMV, upon agreement between the Local Government, TxDMV and payment of applicable fees, as described below, TxDMV will establish an account in the name of the Local Government. Charges shall be deducted from the escrow account until the balance of that account reaches the minimum required balance for the Local Government, as determined by TxDMV and provided herein.

A deposit of at least \$500.00 shall be maintained in a non-interest bearing escrow account. This initial deposit is to cover estimated service use. The escrow account shall be established with TxDMV prior to submission of probes (inquiries), or placing or removing "flags" from motor vehicle records for the Local Government. Payment of the deposit shall be made by check or warrant, payable to the "Texas Department of Motor Vehicles" and is due upon execution of this contract. The \$500.00 minimum balance, to be maintained in the escrow account, may increase depending on established monthly usage by the Local Government. This additional funding is payable within fifteen (15) days from receipt of notification from TxDMV.

An escrow account balance statement will be provided by TxDMV each time a probe or a request to place or remove "flags" from motor vehicle records is submitted.

If the balance in the non-interest bearing escrow account falls below the \$500.00 minimum balance, TxDMV may suspend processing probes, or placing or removing "flags" from motor vehicle records for the Local Government until such time as a deposit is made by the Local Government, in an amount sufficient to increase the balance in the escrow account to the \$500.00 minimum balance.

ATTACHMENT C General

Terms and Conditions

Article 1. Amendments

This contract may only be amended by written agreement executed by both parties before the contract is terminated.

Article 2. Conflicts Between Agreements

If the terms of this contract conflict with the terms of any other contract between the parties, the most recent contract shall prevail.

Article 3. Disputes

Any contractual or administrative disputes regarding the contract will be resolved pursuant to Texas Government Code Chapter 2001.

Article 4. Ownership of Equipment

Except to the extent that a specific provision of this contract states to the contrary, all equipment purchased by TxDMV under this contract will be owned by TxDMV.

Article 5. Termination

This contract may be terminated by mutual written agreement, or 30 days after either party gives notice to the other party, whichever occurs first. Upon termination of this contract any remaining funds in either a "Pay on Demand" account or a "Prepaid Account" as described in Attachment B shall be refunded to the Local Government following settlement of any outstanding processing fees.

Article 6. Gratuities

Any person who is doing business with or who reasonably speaking may do business with TxDMV under this contract may not make any offer of benefits, gifts, or favors to employees of TxDMV.

Article 7. Responsibilities of the Parties

Each party acknowledges that it is not an agent, servant, or employee of the other party. Each party is responsible for its own acts and deeds and for those of its agents, servants, or employees.

Article 8. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules, and regulations and with the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement.

Article 9. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

ATTACHMENT D

Resolution or Ordinance

On the _____ day of _____, 20 _____, the _____ City/Town
Council passed Resolution No. _____, hereinafter identified by reference,
authorizing the City's participation in the Program.

ATTACHMENT E

Contact Information

Technical assistance regarding probes, placing and removing of "flags" from motor vehicle records or information regarding payments for your account may be obtained by contacting the IT Services Division, Production Data Support at (512) 465-1311 or (512) 465-1314, (Monday through Friday 8:00 AM - 5:00 PM).

ATTACHMENT F

ACCOUNT INFORMATION

ADMINISTRATIVE SERVICES DIVISION 4000 JACKSON AVENUE, AUSTIN, TEXAS 78731-6007 PLEASE PRINT OR TYPE		Contract Number For Department Use Only
Type of Account Requested: _____ "Prepaid" Account _____ "Pay On Request" Account		
DATE:	ATTN: (Name and Telephone Number of Person Responsible For Account)	
ACCOUNT NAME:		
BILLING ADDRESS:		
ATTENTION: (Name and Mailing Address of the Person Responsible for Sending and Receiving Files.)		
MAILING ADDRESS:		
E-MAIL ADDRESS: (For Contact Purposes By E-mail)		
BUSINESS TELEPHONE NUMBER:		BUSINESS FAX NUMBER:
<i>For Department Use Only</i>		
Escrow Amount _____		
Date Agreement Signed _____		
<u>Account Terminated/Canceled</u>		
Non-Payment	User Request	Account Number
